

School Bus Safety Penalty Senate File 2218

Last Action:

Senate Floor

March 1, 2012

Executive Summary Only

An Act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>

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FUNDING SUMMARY

- Senate File 2218 relates to school bus safety including the following: providing penalties for failure to obey school bus warning lamps and stop signal arms, requiring a school bus safety study, and administrative remedies. The Bill appropriates an amount sufficient to complete the safety study and programming required from the Statutory Allocations Fund.

The fiscal impact of SF 2218 includes:

- **Change in Violation.** Changing the first offense violation from a scheduled traffic violation to a nonscheduled traffic violation will result in approximately \$27,000 of additional hearing costs in the Iowa courts.
- **Change in Current Fine.** Changing the fine amount for unlawfully passing a school bus will increase the fine amount (from \$200 to a fine ranging from \$250 to \$675); however, the court costs will remain the same at \$60. The 35.0% criminal penalty surcharge amount is based on the fine amount. The additional criminal penalty surcharge revenue for one violation will range from \$17.50 to \$166.25, depending on the fine amount. The total generated by the surcharge will range from \$12,000 to \$115,000 and will be distributed per the statutory formula. The change in the fine amount will result in additional revenue in one year ranging from \$34,500 to \$327,800. The fine amount is deposited in the General Fund. The number of people that cause serious injury or death in one year is unknown.
- **Cost for Study and Programming Changes.** The school bus safety study related to cameras on school buses is estimated to cost \$50,000 to \$60,000 and will be funded from the Statutory Allocations Fund. The study findings are to be submitted to the General Assembly by December 31, 2012. The cost for programming for the Department of Transportation (DOT) electronic reexamination form is estimated at \$10,000 and will be funded from the Statutory Allocations Fund. The DOT is required to have the electronic form available to local law enforcement agencies by December 31, 2012.

SIGNIFICANT CODE CHANGES

Background

- The current violation for the unlawful passing of a school bus is a \$200 scheduled traffic violation. The total fine including court costs and the criminal penalty surcharge is \$330. Scheduled violations do not require a court hearing. A person charged with a scheduled violation can pay online, by mail, or by going to the Clerk's office.

Page 1, Line 6

Senate File 2218 increases the penalty for a first offense to a nonscheduled simple misdemeanor punishable by a fine of at least \$250 but no more than \$675 and requires a hearing before a judge.

The offender-based convictions for Iowa Code section 321.372(3) – unlawful passing of a school bus are as follows:

- FY 2012 through 12/31/11 – 342 convictions
- FY 2011 – 627 convictions
- FY 2010 – 758 convictions
- FY 2009 – 685 convictions

- Senate File 2218 adds failure to obey school bus warning lights and stop arm signals to the list of violations subject to additional penalties in cases involving serious injury or death. A violation causing serious injury may subject the driver to an additional fine of \$500 or driver's license suspension for not more than 90 days, or both. A violation causing death may subject the driver to an additional fine of \$1,000 or driver's license suspension for not more than 180 days, or both. Page 1, Line 21
- The Statutory Allocations Fund (Iowa Code section 321.145) was created in SF 2420 (TIME-21 Act). Revenue is received from driver's license fees, nonoperator identification card fees, trailer registration fees, title and salvage title fees, title surcharge fees, use tax, and car rental tax. The money in the Fund is allocated in the following order: Underground Storage Tank Loan Fund, Renewable Fuel Infrastructure Fund, Public Transit, Motorcycle Rider Education Fund, and Special Plate Funds. Any balance remaining in the Statutory Allocations Fund transfers to the Road Use Tax Fund (RUTF) in the subsequent fiscal year. Reduction to the Statutory Allocations Fund in FY 2012 will reduce the amount of money transferred to the RUTF in FY 2013. Page 2, Line 4
- The Department of Transportation is required to initiate rulemaking by July 1, 2012 to establish failure to obey school bus warning lights and stop arm signals as a serious violation. The Department is also required to provide by rule an increasing tier of driver's license suspensions for repeated violations of school bus safety laws. Page 2, Line 22

EFFECTIVE AND ENACTMENT DATES

- The sections of this Bill requiring the school bus safety study, the adoption of rules, law enforcement requests for reexamination of a driver, educational programs, and the Statutory Allocation Fund appropriation are effective on enactment. Page 3, Line 16